

CFK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEE PRICE

v.

METLIFE INSURANCE COMPANY

CIVIL ACTION

NO.

20 1077

NOTICE OF REMOVAL

Defendant, Economy Preferred Insurance Company Grand Protect (incorrectly identified as MetLife Insurance Company), by its attorneys, Ryan, Brown, Berger & Gibbons, P.C., hereby submits this Notice of Removal, and in support thereof avers as follows:

1. This action, originally filed in the Court of Common Pleas, Philadelphia County, stems from an alleged motor vehicle accident which occurred on June 27, 2017 at or near the intersection of Atlantic Avenue and 35th Avenue, Longport, Atlantic County, New Jersey. A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit "A."

2. In the Complaint attached hereto as Exhibit "A," Plaintiff demands damages in excess of \$50,000.

3. Plaintiff Lee Price is alleged to be a citizen of the Commonwealth of Pennsylvania. See Exhibit "A."

4. Defendant, Economy Preferred Insurance Company Grand Protect

(incorrectly identified as MetLife Insurance Company), is a corporation organized and existing under the State of Illinois with its principal place of business located in Freeport, Illinois.

5. In the Complaint attached hereto as Exhibit "A," Plaintiff avers that as a result of Defendant's negligence, Plaintiff has suffered injuries and damages including: (i) severe and permanent injuries to various parts of his body, including head, concussion, traumatic brain injury, lacerations, etc.; (ii) financial losses including medical expenses over the amount provided by Economy Preferred Insurance Company Grand Protect (incorrectly identified as MetLife Insurance Company) in the policy of insurance and wage loss; (iii) pain and suffering; (iv) loss of enjoyment of life's pleasures; and (v) other injuries and damages caused by the accident of June 27, 2017.

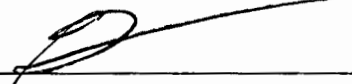
8. Jurisdiction is proper under 28 U.S.C.A. §1332, as Plaintiff is alleged to be a citizen of Pennsylvania and Defendant is a corporation organized and existing under the State of Illinois with its principal place of business located in Freeport, Illinois, and upon information and belief, Plaintiff's alleged damages, if proven, are in excess of \$75,000.

8. This Notice of Removal has been timely filed within 30 days of service upon Defendant.

WHEREFORE, Defendant, Economy Preferred Insurance Company Grand Protect (incorrectly identified as MetLife Insurance Company), respectfully requests that Plaintiff's action be removed to this Court.

Respectfully submitted,

RYAN, BROWN, BERGER & GIBBONS, P.C.



Mitchell S. Berger, Esq.

Attorney for Defendant, Economy Preferred
Insurance Company Grand Protect (incorrectly
identified as MetLife Insurance Company)

Attorney I.D. No. 62004

1600 Market Street, 14th Floor

Philadelphia, PA 19103-7240

(215) 564-3800

(215) 564-1301 (Fax)

berger@ryanbrown.com

Date: 2/25/2020 _

EXHIBIT "A"

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

NOVEMBER 2019**003273**

E-Filed Number: 1911054218

PLAINTIFF'S NAME LEE PRICE		DEFENDANT'S NAME METLIFE INSURANCE COMPANY	
PLAINTIFF'S ADDRESS 514 FEDERAL STREET PHILADELPHIA PA 19147		DEFENDANT'S ADDRESS 201 PITTSBURGH AVENUE SCRANTON PA 18505	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V ~ MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY CHRISTOPHER R. DURSO		ADDRESS 1818 MARKET STREET SUITE 3200 PHILADELPHIA PA 19103	
PHONE NUMBER (215) 569-0200	FAX NUMBER (215) 569-6099		
SUPREME COURT IDENTIFICATION NO. 89289		E-MAIL ADDRESS cdurso@rosenbaumfirm.com	
SIGNATURE OF FILING ATTORNEY OR PARTY CHRISTOPHER DURSO		DATE SUBMITTED Saturday, November 23, 2019, 01:39 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

ROSENBAUM & ASSOCIATES, P.C.
 By: CHRISTOPHER R. DURSO, ESQ. - ID #89289
 1818 Market Street, Suite 3200
 Philadelphia, PA 19103
 (215) 569-0200

MAJOR NON-JURY
 Filed and Attested by the
 Hearing on Assurances
 of Damages is required
 01:39 pm
 02/25/20

Attorney for Plaintiff

LEE PRICE	:	PHILADELPHIA COUNTY
514 Federal Street	:	COURT OF COMMON PLEAS
Philadelphia, PA 19147	:	
	:	
Plaintiff	:	TERM, 2019
	:	
vs.	:	
	:	
METLIFE INSURANCE COMPANY	:	NO.
201 Pittston Avenue	:	
Scranton, PA 18505	:	
	:	
Defendant	:	

2V Motor Vehicle Accident- Complaint in Civil Action

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL & INFORMATION SERVICE, Philadelphia Bar Assn.
 1101 Market Street, 11th Floor
 Philadelphia, Pennsylvania 19107, Phone: (215) 238-6333

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VIENTE (20) DIAS DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN PERSONA O CON UN ABOGADO Y ENTREGAR A LA CORTE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMAS, LA CORTE PUEDE DECIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. SERVICIO DE REFERENCIA E INFORMACION LEGAL, Asociacion De Desconciados De Filadelfia 1101 Market Street, 11th Floor, Filadelfia, PA 19107 Telefono: (215) 238-6333

ROSENBAUM & ASSOCIATES, P.C.
 By: CHRISTOPHER R. DURSO, ESQ. - ID #89289
 1818 Market Street, Suite 3200
 Philadelphia, PA 19103
 (215) 569-0200

MAJOR NON-JURY
 Hearing on Assessment
 of Damages is Required.

Attorney for Plaintiff

LEE PRICE	:	PHILADELPHIA COUNTY
514 Federal Street	:	COURT OF COMMON PLEAS
Philadelphia, PA 19147	:	
	:	TERM. 2019
Plaintiff	:	
vs.	:	
	:	
METLIFE INSURANCE COMPANY	:	NO.
201 Pittston Avenue	:	
Scranton, PA 18505	:	
Defendant	:	

2V Motor Vehicle Accident- Complaint in Civil Action

1. The plaintiff, Lee Price, is an adult individual and a resident of the Commonwealth of Pennsylvania, residing as captioned above, and at all times relevant hereto was the operator of one of the vehicles involved herein.
2. The defendant, MetLife Insurance Company, is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address, and at all times relevant hereto provided automobile liability insurance and uninsured/underinsured motorists benefits for Lee Price, who is a resident relative of the insured under said insurance policy, Richard Price. Defendant is in possession of the declaration page of the aforesaid insurance policy.
3. At all times relevant hereto, the defendant was acting through its agents, servants and/or employees within the course and scope of their employment, and the doctrine of Respondent Superior is invoked herein.

4. On or about the 27th day of June, 2017, at or about 1:46 p.m., Willis Lynch, Jr., was operating his vehicle on Atlantic Avenue or near the intersection 35th Avenue, Longport, New Jersey, when said motor vehicle was so carelessly and negligently operated and controlled that it was caused to strike the plaintiff, who was lawfully crossing Atlantic Avenue within the crosswalk, as a result of which caused the plaintiff to sustain severe and serious injuries as more fully set forth hereinafter.
5. Plaintiff avers that the aforesaid collision was caused by the negligence of the Willis Lynch, Jr., vehicle, as aforesaid, as follows:
 - a. Operating said motor vehicle at excessive rate of speed under the circumstances;
 - b. Failing to operate said motor vehicle with due regard for the rights, safety, points and position of the plaintiff, who was a pedestrian;
 - c. Failing to avoid said collision;
 - d. Failing to keep a proper lookout for pedestrians;
 - e. Failing to yield the right of way to plaintiff, who was a pedestrian;
 - f. Negligently striking the plaintiff;
 - g. Failing to maintain said vehicle in an operable/safe condition;
 - h. Negligently entrusting the operation of a motor vehicle to a person defendant knew or should have known would not properly operate said motor vehicle;
 - i. Negligently using a distracting electronic device, including but not limited to talking and/or texting on a cell phone; and,
 - j. Failing to heed existing traffic patterns.
6. Solely because of the negligence of the uninsured/underinsured vehicle acting as aforesaid, the plaintiff was caused to sustain serious physical injury in and about the person, including but not limited to plaintiff's head, concussion, traumatic brain

injury, forehead laceration, knees, elbow, hands and abrasions, as well as a severe shock to the nerves and nervous system and was or may have been otherwise injured, whereby plaintiff has suffered and may continue to suffer in the future.

7. Plaintiff may have sustained other injuries and pre-existing conditions may have been aggravated.
8. Plaintiff avers that some or all of the injuries sustained may be or are of a permanent nature and character.
9. As a further result of the aforesaid accident, plaintiff has been unable in the past, and is likely to continue to be unable in the future, to attend to plaintiff's usual duties, activities, vocations and avocations, all to plaintiff's great financial loss and detriment.
10. As a further result of the aforesaid accident and resultant injuries, plaintiff has expended and is in the future likely to expend substantial sums of monies for the care, treatment and attempted cure of plaintiff's injuries, all to plaintiff's great financial loss and detriment.
11. As a further result of the aforesaid accident and resultant injuries, plaintiff has been caused to undergo in the past and is likely to undergo in the future, severe pain, suffering, inconvenience and embarrassment, all to plaintiff's great financial loss and detriment.
12. Plaintiff is entitled to full tort benefits in this matter, or in the alternative, no tort limitations limit plaintiff's claim in any way.
13. The defendant, MetLife Insurance Company, is and was duly licensed to

engage in the Commonwealth of Pennsylvania in the sale, issuance and distribution of policies of automobile insurance providing various forms of coverage to drivers, passengers and owners of automobiles in this Commonwealth.

14. The defendant, MetLife Insurance Company, did issue to Richard Price, for consideration an insurance policy which provided, pursuant to Pennsylvania Law, for "uninsured/underinsured motorist coverage" and that under said coverage, the defendant agreed to pay all sums which the insured and/or resident relatives of the insured's household would legally be entitled to recover as damages from the owner and/or operator of an uninsured/underinsured motor vehicle because of bodily injury sustained by their insured and/or lawful occupants of the insured's vehicle. Defendant is in possession of the declaration page of the aforesaid insurance policy.

15. The defendant, MetLife Insurance Company, is therefore liable to the plaintiff for his injuries, damages and losses aforesaid, caused by reason of the negligence and carelessness of the operators of the uninsured/underinsured vehicle.

16. Plaintiff, Lee Price, has fully complied with all provisions of the insurance policy to date, but in spite of such compliance the defendant, MetLife Insurance Company, has refused to properly negotiate a reasonable settlement for the injuries and damages sustained in the aforesaid automobile accident pursuant to its policy and contract of insurance which covers the plaintiff, Lee Price.

WHEREFORE, plaintiff, Lee Price, demands judgment against the defendant, MetLife Insurance Company, in a sum in excess of the arbitration limits and in excess of the Federal Court jurisdictional limits for cases based on diversity jurisdiction.

ROSENBAUM AND ASSOCIATES, P.C.

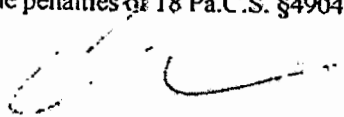
By:

CHRISTOPHER R. DURSO, ESQUIRE
Attorney for Plaintiff

DATE: _____

VERIFICATION

Christopher R. Durso, Esquire, states that he is the attorney for the Plaintiffs herein, that he is acquainted with the facts set forth in the foregoing Complaint in Civil Action and that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



CHRISTOPHER R. DURSO, ESQUIRE

DATE: 